7

G.R.S. IX—5]

Previous references. 1923. File No. 12-23

(Rf) Serial Nos. 14-15 & 1

Later references.

Reserve Index

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Four Three.

Part B for Jany 26.

SUBJECT

Request to be informed whether a person who is the Manager or head of a Hindu family can delegate his right of voting to any other person member of the same family.

Sl 15) No 15-77

26.1.26

To,

The Deputy Commr.

Bangalore

I invite attention to the Election Rules regarding holding of election to the Repr. assembly & the Legi

(P 112/26)

Cl

Printed on the Multigraph.

Printed on the Multigraph.

28.1.26

(1 2

Office of the Deputy Commissioner,
Bangalore District,
Dated Bangalore, 11th January 1924

No. Ab 456 /24-25
cross Ref

1038
23 1924
Ref
12-25
14

From

B. Venkoba Rao, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

D. Nagappa, Esq., Bar-at-law.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Local and Legislative Depts.,
Bangalore.

Sir,

In forwarding herewith the marginally noted papers re the inclusion of certain names in the Electoral list of the Representative Assembly I have the honor to state that the point raised for orders is whether a person who is the manager or head of a Hindu family, can delegate his right of voting to any other member of the same family at any time before the election takes place or before the modified list is published.

It appears that all applications for additions or alterations in the original list should go to the "Revising authority" and independent of that body no applications can be received. But as this is the first time that the revised rules have been brought into force, I request clear instructions in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

B. Venkoba Rao

Deputy Commissioner,
Bangalore District.

1. Petition of Mr. C. Thode Gowda,
2. Shamanatha Taluk Millers regarding No.157 dated 1-1-24 with its 4 enclosures.

Sent for orders.
Divisional officer is invited to work (1) & (2) of rule 2 (iii) (e) of the rules at page 20 of the manual
Asst 18.1.24
Sent with a map as desired
Asst 18/1
Dy 18/1

3

22423

From
The Deputy Commissioner
Bangpene Division

To
The Secretary to the Govt. of
Mysore, Local and Legislative
Departments, Bangpene

Dated 11-1-24

Despatched —do—

Received

General No. H6456/M-25

No.

Enclosure No. 1 file

Forwards certain papers re: the inclusion of certain names in the electoral list of the Representative Assembly and of the Chamrajpet Taluk and requests ~~requests~~ solicits instructions in the matter.

REV. DEPT. 12 JAN 1924 Ref

Serial No.

The question raised by the Deputy Commissioner is whether a person who is the manager or head of a Hindu family, can delegate his right of voting to any other member of the same family at any time before the election takes place or before the modified list is published..

The power of delegation is given under Rule 2, note iii clause (e) published at pages 78-80 of the Mysore Legislative Council and the Representative Assembly Manual, Vol. I. which runs as follows:-

"If property is held or payments are made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists and the vote shall be exercised, in the case of a Hindu joint family by the manager thereof, or the member authorised by a majority of the family, and in other cases by the member or partner authorised in that behalf by a majority of the family or the partnership concerned."

This is a substantive right given to the head of the family to delegate his power of voting or standing for election if the family possesses sufficient property qualification for the election. There is no time fixed in the rule within which he should exercise this right. Under rule 8 relating to the conduct of elections published at pages 84 and 85 it is laid down that voters must vote in person. This delegation of power in the case of a joint family is an exception to this rule. It is clear that only after the Government have recognised the property qualification of the family as a unit

NOTE—Contn. sheet.

the delegation can be made. There is no warrant to put a rigid construction upon this rule and curtail the power of delegation by holding that this power should be exercised at or before the time fixed for modification of the election rolls. In fact the power of voting or the power of standing for election cannot be exercised until the date fixed in the calendar either for standing for election or for voting. There is no particular inconvenience felt if the natural or ordinary construction of the rule be adopted, viz., power given by the rule can be exercised at the time of standing for election or at the time of voting. It may be stated that the polling officer will have no time to verify the authority given by the head of the family to one of its members. There may be some force in this. There is nothing in the rules to say that the power of authority should be engrossed on a stamped paper and should bear a the thumb impression of an illiterate person. In order to avoid any misconception in the matter it is sufficient that a circular may be issued to all the Deputy Commissioners to the effect that the power of authority mentioned in note 1 may be produced on the date when a person who has been authorised by the other members of the family on the date fixed for signifying his intention of standing for election ~~3 days before~~ on 26th January 1924, and to the polling officer 3 days before the date of voting

1038 (4

Serial No.

i.e., on the 12th February 1924. The power of authority need not be engrossed on a stamp paper, and it may be signed by person or persons giving authority. The signing includes left thumb impression of illiterate persons. The ~~letter~~ of authority should bear the attestation of two respectable persons, in case of illiterate persons giving authority.

DEWAN'S OFFICE
Rcd. on JAN 21 1928
Regd. No. 5020.

5019.

Dewan

Members have any objection?
Whose name is not in the list of votes can send to the Secretary.
The delegation need not send their name already delegated persons have only to be informed.

23/1

As desired by the Dewan in Person a D.O. to the Secretaries to Govt. referring him to rule 9 published at page 84 of the manual.

Put this confl. Pulney & Madras

23/1

NOTE.—Contn. sheet.

1038

(5)

G. R. S. III-21

General and Revenue Secretariat.

Ref File No. 12 of 1923.

Serial No.

Draft prepared
26/1/24.

Appd. & issued
26/1.

15 To, The Deputy Commissioner Bangkok
D.O.No 1577/C.S. dated 26-1-24.
With reference to the above, invites attention to the Election Rules (Rule 9) regarding holding of Elections to the Representative Assembly and Legislative Council.

Issue
26/1/24

NOTE—Contn. sheet.

G. R. S. VI—G/32]

(6)

SUBJECT .....

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.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

, the 192 .

Date of issue.....

Signed by.....

Section

File No.

Serial No.

No.

To

The Dy Commr, Bangalore

Sir,

With ref to your letter No A.C 456/22-23 dated 11.1.24 re the inclusion of names of persons as joint families I am directed to invite ref to Rule (1) to rule 2(iii)-(e) of the rules issued with Notn No P2397 Legis 12-23-4 dated 7.11.23 and to state ~~that obligation of voters~~ ~~was not made in the~~ that only persons whose names are in the list can vote and that this power of voting cannot be delegated. The enclosures received with your letter are herewith returned.

I have &c

WD 0632-GPB—18000—16-8-23

Cy 18/1

Dy Comr received the above

D.O No 1577/Legis. Reg 12-23-15. (7) 4

~~D.O.~~

dated 26.1.23

Dear Sir,

With reference to your letter No. H.C. 456/22-23, dated the 11th January 1924, requesting to be informed as to whether a person who is the Manager or head of a Hindu family can delegate his right of voting to any other member of the same family at any time before the election takes place or whether this has to be done before the modified list is published, I am desired to invite your attention to Rule 9 of the rules contained in Part I of the Notifications No. P. 2399/Legis. 12-23-6 and No. P. 2406/Legis 13-23-6, dated the 7th November 1923 regarding the holding of elections to the Representative Assembly and the Legislative Council.

Yours sincerely,

B. Venkoba Rao, Esq., B.A.,
Deputy Commissioner, Bangalore.

CHIEF SECRETARIAT
21 JAN 1924
R.A. & REFORMS SECTIONS.

No. H.C.456/23-24

From

B. Venkoba Rao, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

Office of the Deputy Commissioner,
Bangalore District,
Dated Bangalore, 17th January 1924.

DIARY No. 1089

1923 -1924
Section. Ref
File No. 12-23
Serial No. 17

To

B. Nagappa, Esq., Bar-at-law.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Local and Legislative Depts.,
Bangalore.

Sir,

In continuation of this office No.H.C.456 of 1923-23 dated 11th January 1924 forwarding for instructions certain papers in respect of the question of including certain names in the Electoral list, I have the honor to forward herewith a petition for orders from Mr.V. Venkatappa of Chennapatna Taluk praying for the early disposal of his previous petition as the time for announcement of the candidature is fast approaching.

I have the honor to be,
Sir,
Your most obedient servant,

B. Venkoba Rao

Deputy Commissioner,
Bangalore District.

Subd for orders in continuation. The question was subd in person by the Secretary on 18.1.24
Rec. 21.1.24

Reply has been submitted to the Secretary for orders which will be communicated.

This may be submitted in continuation as the prayer is somewhat different, viz., substitution of the applicant's name for that of his father, so that the applicant may stand as a candidate. In my opinion this cannot be done under the rules. Only those whose names appear on the roll

28250

From
The Deputy Commissioner
Bangalore Dist

To
The Secretary Home Dept
& Registrar L. C. Dept
Bangalore

Dated 19-1-24

Despatched

Received

General No. Dis 456 [illegible]
No.

Enclosure No. Nil

Br. 21 JAN. 1924

Forwards a petition from V. Venkatappa & Chennappa for necessary disposal of his petition.

Serial No.

case stand for election. In the case of Hindu joint families, and partnerships, the manager, in the first instance, is mentioned in the rolls. If the members choose to authorise another, the name of that other will be entered in the roll, when revising the list. After this stage is past, there can be no further alteration of the list or delegation of power to vote or to stand for election. It is on this basis that I approved of the draft in the file before the Dewan, declining Petit's request. The Secretary has however, differed, and the file has been submitted for orders. This is another application of the same person & goes beyond the former, in permitting him to stand as candidate, instead of his father, whose name is entered in the list. submit for orders

Only those on the list can vote & voting by proxy is not allowed.

Dewan

Cal
- 21-1

DEWAN'S OFFICE.
Recd. on JAN 21 1928
Reg. No. 10 56

Connected papers shd be kept with this

Note
Stamps not punched by ?

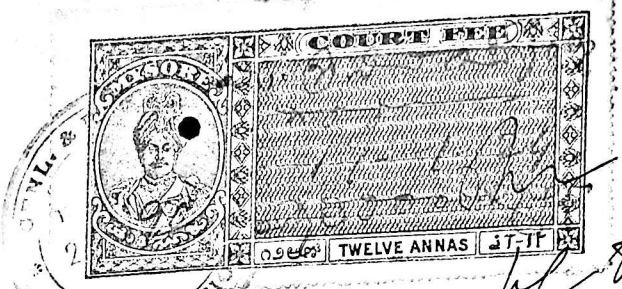
- 5.1

NOTE—Contn. sheet.

This is attached to

orders passed in file for 12-25 passed 14-25

Arranged and noted on the file 28/1 Jan 1928



To G. D. SEC'T.

The Deputy Commissioner,

Bangalore District,

Bangalore.

Petitioner:- V. Venkatappa,

Tittamaranahalli,

Channapatna Taluk.

-****-

The petitioner abovenamed begs to state as follows:-

1. The petitioner and his father Mr.Venkata Gowda are the only members of the joint family holding lands jointly.

2. The family pays an assessment of about Rs. 2000/- to the Government in the Channapatna Taluk and is thus entitled to vote for and to be elected to the Representative Assembly and Legislative Council.

3. The Khata has stood in the name of the elder of the family Mr. Venkata Gowda who is the Manager.

4. The Manager of the family, my father, has authorised me to exercise the vote and to stand for election to the Representative Assembly.

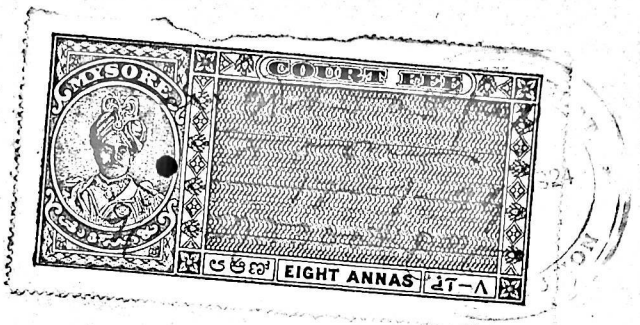
5. The application authorising me as above and the petitioner's application announcing his candidature from the Channapatna Taluk (Rural constituency) to the Representative Assembly are made to the Amildar of the Taluk on 26th December 1923.

6. The said applications have been forwarded, the petitioner understands, to this Honourable Court for orders.

7. As the time for announcement of the candidature is fast approaching, I pray that my candidature may be ordered to be announced immediately.

BANGALORE CITY,)
16th January 1924.)

V. Venkatappa
PETITIONER.



15
2

12

ಬೆಂಗಳೂರು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಕೋರ್ಟ್ ಮೇಲಧಿಕಾರಿಗಳವರ-ಕೋರ್ಟಿಗೆ.

1923– 1924 ನೇ ನಂಬರು

~~ವಾದಿಯಾ~~ ಅರ್ಜೀದಾರ್.

~~ಪ್ರತಿವಾದಿಯಾ~~ ಅಪೋನೆಂಟ್.

ವಿ. ವೆಂಕಟಪ್ಪ — **VS.** —

ಮ|| ರಾ|| ಬೇಲೂರು ಶ್ರೀನಿವಾಸಯ್ಯಂಗಾರ್, ಬಿ. ಎ. ಬಿ. ಎಲ್.,

~~ಮತ್ತು ಮ|| ರಾ|| ಕೆ. ಎಸ್. ಶ್ರೀನಿವಾಸ, ಬಿ. ಎ. ಎಲ್. ಎಲ್. ಬಿ.,~~ ಅಡ್ವೋಕೇಟ್‌ರವರಿಗೆ.

ಅರ್ಜೀದಾರನಾದನಾ^ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಪೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸುವದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಅರ್ಜಿಗಳನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿಯೊಬಲಗು, ಶಿಲ್ಕುಯೊಬಲಗು ಸಹ ಪಡಿಯಲಿಕ್ಕೂ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮ ಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

V. Venkatappa

ತಾರೀಖು 17-1-1924 ರುಜು
ಬೆಂಗಳೂರು

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನಮಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇವೆ.

ಅಡ್ವೋಕೇಟರುಗಳು.

ಒಕ್ಕಲಿಗರ ಸಂಘ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ—37—500-15-7-22.